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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,788	06/29/2001	Marcos Nogueira Novaes	YOR920010316US1	4582

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EXAMINER

TRAN, QUOC A

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/893,788

Applicant(s)

NOVAES, MARCOS NOGUEIRA

Examiner

Quoc A. Tran

Art Unit

2176

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 30 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

*William L. Bashore*  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**  
12/10/2005

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's arguments filed 11/30/2005 have been fully considered but they are not persuasive. In response to applicant's arguments on pages 2-16. Applicant argues the rejection under 35 USC 103, Obviousness (see Remarks, pages 2-16). To concisely address the elaborate arguments presented, the Examiner respectfully disagrees for the detailed reasons stated in the rejection of each claim limitation previously presented in Final Office Action mail date 09/30/2005 (please see rejections for detail). In further support of the Office Action above, please note the following:

Additionally, the main thrust of the applicant's argument is Perrizo '467, in view of Ridgley '800, are not properly combined, and fails to disclose all of the invention limitations, such as spatially indexed in N dimensions wherein said closeness relationship comprises: a relationship of a Euclidean distance between points in an N-dimensional space. Using the broadest reasonable interpretation of the claims, Perrizo '467 discloses the easiest way to compute the distance between two points is to use the Euclidean distance metric (see Perrizo '467 page 18, paragraph [0229], i.e. q (including the walking metric (q=1), the Euclidean metric (q=2) and any weighted variations of these metrics). It is obvious to one of ordinary skill in the art at the time of the invention to appreciate that the easiest way to compute the distance between two points is to use the Euclidean distance metric. Given P and Q in a 3D world, the distance is computed by:

$$\text{distance squared} = (p.x - q.x)^2 + (p.y - q.y)^2 + (p.z - q.z)^2$$

Applicants' invention discloses in the specification page 15, lines 1-10 states that "The "closeness" between any to data block is given by Euclidean distance of two point in a N-dimensional space. Further more Perrizo '467 illustrates in Fig. 12 is an example depiction of the value concept hierarchy of spatial data and also Perrizo '467 at page 19 paragraph [0214] provides example of d-dimensional numerical space and so on.

In response to applicant's argument that Perrizo '467, in view of Ridgley '800 is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

In this case, Perrizo '467 discloses a method of establishing data mining techniques for the extremely large datasets, wherein organizing the large amounts of data into an efficiently usable form that facilitates quick computer retrieval, interpretation, and sorting of the entire dataset or subset thereof the value concept hierarchy of spatial data, particularly computing the distance between two points is to use the Euclidean distance metric generally uses, to include a means of finding, collecting and acting upon information which has been arranged in hierarchical form utilizing the finding, collecting and acting upon information which has been arranged in hierarchical form of Ridgley '800.

One of the ordinary skill in the art would have been motivated to modify this combination to establishing data mining techniques for the extremely large datasets, wherein organizing the large amounts of data into an efficiently usable form that facilitates quick computer retrieval, interpretation, and sorting of the entire dataset or subset thereof the value concept hierarchy of spatial data, particularly computing the distance between two points is to use the Euclidean distance metric generally uses ( see Perrizo '467 whole document) in collaborating with the user interface for finding collecting a vast quantity of information through a user interface, wherein the Square arrays (i.e. n x n arrays, where "n" is a positive integer) are advantageous for a user information interface because of the symmetry of spatial relationships (as taught by Ridgley '800 at col. col. 6, lines 20-43).

Therefor the request for reconsideration has been considered but does not place the application in condition for allowance for at least the reason set forth above.

*William J. Bashore*  
WILLIAM BASHORE  
PRIMARY EXAMINER  
12/10/2005